IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHEMBER SUMMONS NO.532 OF 2006.

SUMMARY SUIT NO.3044 OF 1993.

Natwarlal H. Agarwal ...Plaintiff.

V/s.

Munjibhai K.hah & ORs. ...Defendants.

Mr.D.B.Brahmbhatta i/b. Thakordas & Madgavkar for the plaintiff.
Mr.Navin Parikh i/b. Helai Patel for 5(a) and 5(b).
Ms.Leena Shah i/b.Niranjan & Co. for defendant nos. 1 & 2.

CORAM : S.J. VAZIFDAR J.

DATE : 26TH JULY, 2007.

P.C. :-

1. The Chamber Summons is misconceived. The evidence being recorded on commission, it will be open to the parties to tender secondary evidence before the Commissioner. The objections thereto if any shall be recorded by the Commissioner and the parties are at liberty to cross examine the witness without prejudice to their objection. The learned Judge hearing the matter finally alone can decide whether the evidence is admissible or not.